

MONTGOMERY COUNTY ALCOHOLIC BEVERAGE LICENSE APPLICATION
For The Sale of Malt Beverages and Wine

Date of Birth: _____

Driver's License No.: _____

Name of Licensee

Trade Name of Business (Must be same on Local and State License)

Business Address (Physical Address)

Mailing Address

City

Zip Code

Business Phone

Type of Business (If none of the categories are appropriate, check "Other" and write in the appropriate classification, such as "Marina", Bait Shop", "Service Station", etc.)

() Package Store () Tavern () Restaurant () Club () Grocery
() Other _____

Type of Ownership: () Individually Owned () Partnership () Corporation
If ownership is any category other than individual, list partners or corporate officers in the space provided below. Give names and titles.

Have you been convicted of any crime within the past ten (10) years? If so, name offense:

Alcoholic Beverage to be consumed: () On Premises () Off Premises

I have not applied for an alcoholic beverage license in Montgomery County within the last six Months: () Yes () No

I have read and agree to comply with Montgomery County's Alcoholic Beverage Ordinance:
() Yes () No

Licenses are issued subject to provisions and qualifications as stated in Article II, Regulation of the Sale of Malt Beverages, Article III, Regulating the Sale of Wine, and Article IV, Reapplying for Refused Wine and Malt Beverages Applications, of Chapter 4, Alcoholic Beverages, of the Code of Montgomery County, Georgia.

I, _____, do solemnly swear that the facts and statements made by me in the above and forgoing answers to questions in the application as a dealer to sell alcoholic beverages are true, and no false or fraudulent statement is made therein to procure the granting of such license.

Applicant Signature

Date

**AFFIDAVIT OF VERIFICATION STATUS
FOR MONTGOMERY COUNTY, GEORGIA
PUBLIC BENEFIT APPLICATION**

By executing this affidavit under oath, as an applicant for (please check applicable statement):

- ☐ employment with Montgomery County
☐ business/occupation license certificate
☐ contract for services *

Or other public benefit as referenced in O.C.G.A. Section 50-36-1(f)(1)(A), I am stating the following with respect to my application for the above:

(1) _____ I am a United States citizen

OR

(2) _____ I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under Federal Immigration and nationality Act 18 years of age or older and lawfully present in the United States **

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

Signature of Applicant

Date

Printed Name

Alien Registration Number for
Non-citizens

Sworn to and subscribed before me, this
_____ day of _____, 20____

(SEAL)

Notary Public, State of Georgia

* The undersigned Contractor further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to its Contract with Montgomery County of which this Affidavit is a part, the undersigned Contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. § 13-10-91 and Georgia Department of Labor Rule 300-10-1-02 (and, for a contract or agreement relating to public transportation, verification of compliance with GDOT Rules) through the subcontractor's execution of the subcontractor affidavit required by Georgia Department of Labor Rule 300-10-1-08 or a substantially similar subcontractor affidavit (and, for a contract or agreement relating to public transportation, required by GDOT Rules). The undersigned Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the Montgomery County at the time of subcontractor(s) is retained to perform such service.

** O.C.G.A. § 50-36-1(e) (2) requires that aliens under the Federal Immigration and Nationality Act, Title 8, U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below:

Number and Description



**MONTGOMERY COUNTY SHERIFF'S OFFICE
GEORGIA BUREAU OF INVESTIGATION
GEORGIA CRIME INFORMATION CENTER**

CONSENT FORM

I hereby authorize MONTGOMERY COUNTY BOARD OF COMMISSIONERS
to receive any Georgia criminal history record information pertaining to me which may be in the files of
any state or local criminal justice agency in Georgia.

Full Name (Print)

Address

Sex

Race

Date of Birth

Social Security Number

Signature

REASON FOR CRIMINAL HISTORY REQUEST

- | | | | |
|---|----------|---|----------|
| <input type="checkbox"/> Housing Authority | (Code H) | <input type="checkbox"/> Firearms | (Code F) |
| <input type="checkbox"/> Employment with Children | (Code W) | <input type="checkbox"/> Employment with Mentally Ill | (Code M) |
| <input type="checkbox"/> Employment with Elderly | (Code N) | <input type="checkbox"/> Visa | (Code V) |
| <input type="checkbox"/> Domestic Violence | (Code D) | <input type="checkbox"/> Insurance Commissioner | (Code O) |
| <input type="checkbox"/> Exigent Purposes | (Code X) | <input type="checkbox"/> Public Defenders | (Code L) |
| <input type="checkbox"/> Personal Review by
Individual or Attorney | (Code U) | <input type="checkbox"/> Public Records Felony
Conviction Only | (Code P) |
|
<input checked="" type="checkbox"/> Non-Criminal Justice Employment & Licensing Purpose | | | (Code E) |
| <input type="checkbox"/> Criminal Justice Employment/Civilian | | | (Code J) |
| <input type="checkbox"/> Criminal Justice Employment/P.O.S.T. Certification | | | (Code Z) |
| <input type="checkbox"/> State Agency Administrative Functions | | | (Code A) |
| <input type="checkbox"/> Interstate/Approved Non-Criminal Justice | | | (Code I) |

ORI USED

- | | |
|---|--|
| <input type="checkbox"/> GA 10300000 Montgomery SO | <input type="checkbox"/> GA 103015C Montgomery CI |
| <input type="checkbox"/> GA 103023J Montgomery Probate | <input type="checkbox"/> GA 103015J Superior Court |
| <input type="checkbox"/> GA 1030100 Mount Vernon PD | |
| <input type="checkbox"/> GA 103033J Montgomery Magistrate | |

One of the following must be checked:

☐ This authorization is valid for 90 / 180 (circle one) days from the date of signature.

GCIC Operator Signature

Case #

Chapter 4 ALCOHOLIC BEVERAGES¹

ARTICLE I. IN GENERAL

Secs. 4-1—4-18. Reserved.

ARTICLE II. REGULATION OF THE SALE OF MALT BEVERAGES AND WINE²

Sec. 4-19. Type of sale.

Malt beverages and wine sold in the county will be for consumption on and off the premises at the option of the owner.

(Res. No. 21-11-02 , Exh. A, 11-8-2021)

Sec. 4-20. Retail licensee qualifications.

The retail licensee must be a person of good moral character and a citizen of the United States.

- (1) The licensee shall not have been convicted within five years of the date of his application of any felony, or within the last three years of any violation of the laws of this state, or any other state, relating to the sale of alcoholic beverages.
- (2) The licensee shall be responsible for the management and operation of the business for which the license is granted.

¹State law reference(s)—Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; county governing authority given power to regulate alcoholic beverages permitting and licensing, O.C.G.A. § 3-3-2; governing authority of county has power to locally regulate, license, and tax the manufacturing, distribution and selling of malt beverages, O.C.G.A. §§ 3-5-40 et seq., 3-5-80 et seq.; governing authority of county has power to locally regulate, license, and tax the manufacturing, distribution and selling of wine, O.C.G.A. §§ 3-6-40 et seq., 3-6-60 et seq.; governing authority of county has power to locally regulate, license, and tax the manufacturing, distribution and selling of distilled spirits by the package, O.C.G.A. §§ 3-4-40 et seq., 3-4-80; local government may authorize issuance license to sell distilled spirits by the drink for consumption on premises where sold, O.C.G.A. § 3-4-90 et seq.

²Editor's note(s)—Res. No. 21-11-02 , Exh. A, adopted Nov. 8, 2021, repealed the former art. II, §§ 4-19—4-27, and enacted a new art. II as set out herein. The former art. II pertained to regulation of the sale of malt beverages, and derived from a motion adopted Jan. 3, 1978; a motion adopted Jan. 1, 1981; an ordinance adopted Apr. 22, 1997; the Code of 2003, ch. 2, art. I, §§ I—IX; an ordinance adopted Oct. 5, 2004, art. I, § II; and Res. No. 20-12-01 , Exh. B, 12-14-2020.

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- (3) The applicant shall make a sworn statement of his qualifications according to the above and shall place same on file with the Clerk of the Montgomery County Board of Commissioners before any license is issued.
 - (4) If the application covers a partnership, all members of the partnership must be qualified to obtain a license and must make sworn statements of these qualifications.
 - (5) No person shall be granted a license to engage in the sale of malt beverages and wine at retail unless it shall appear to the satisfaction of the County Commissioners that such person shall be of good moral character.
 - (6) Pursuant to section 4-26, regarding owners applying for a retail license for offsite consumption, no person shall be granted a license to engage in the sale of malt beverages and wine at retail unless it shall appear to the satisfaction of the County Manager or Chairman that such person shall be of good moral character.
 - (7) Any misstatement or concealment of fact in the application shall be grounds for revocation of the license issued and shall make the applicant liable to prosecution for perjury under the laws of the State of Georgia.

(Res. No. 21-11-02 , Exh. A, 11-8-2021)

Sec. 4-21. Wholesale permits.

Wholesale licenses shall be issued only to those parties who are licensed by the State of Georgia to sell and distribute malt beverages and wine at wholesale. Application shall be made with the Clerk of the County Commissioners. Cost of wholesale license shall be in an amount as established by the Board of Commissioners from time to time.

(Res. No. 21-11-02 , Exh. A, 11-8-2021)

Sec. 4-22. Regulations.

- (a) No holder of a license authorizing the sale of malt beverages and wine at retail in the County nor any agent or employee of the licensee, shall do any of the following upon the licensed premises:
 - (1) Knowingly sell beer or wine to a minor;
 - (2) Knowingly sell beer or wine to any person while such person is in an intoxicated condition.
- (b) Sell beer or wine upon the licensed premises or permit beer or wine to be consumed thereon, on any day or at any time when such sale or consumption is prohibited by law. In addition:
 - (1) It shall be unlawful for any person to sell or possess for the purpose of sale, any malt beverages or wine where such person does not have a license from the County of Montgomery to sell or possess for sale such beverages.
 - (2) Malt beverages or wine shall be received at or delivered to the premise of the retail licensee by no other means than by a conveyance owned or leased and operated by a wholesale dealer with a permit from the County of Montgomery to make deliveries in said County.
 - (3) Transportation of malt beverages or wine by any other means shall be grounds for revocation of wholesale permit.
 - (4) Dealers in malt beverages and wine shall not engage in the sale of such beverages on Sunday from 12:00 a.m. to 12:30 p.m. and after 11:30 p.m., or any other days prohibited by State law.

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(Supp. No. 5)

- (c) Any violation of the provisions of this section shall be grounds for immediate revocation of a license.
(Res. No. 21-11-02 , Exh. A, 11-8-2021)

Sec. 4-23. Joint responsibility; sales to minors and possession by minors.

- (a) The term "minor" as used in this chapter shall mean any person under the age of 21 years.
- (b) It shall be unlawful for a minor to attempt to purchase or for any other person to purchase alcoholic beverages for a minor.
- (c) It shall be unlawful for a minor to exhibit faked, forged or borrowed credentials in an effort to obtain alcoholic beverages to which he is not legally entitled.
- (d) It shall be unlawful for any minor to have open alcoholic beverages in his possession.
- (e) No person engaged in the business regulated hereunder shall make or permit to be made any sales to minors.
- (f) Any violations of the provisions of this section shall constitute a misdemeanor and the offender upon being found guilty shall be punishable as for a misdemeanor.

(Res. No. 21-11-02 , Exh. A, 11-8-2021)

Sec. 4-24. Licenses fees.

- (a) Each wholesaler licensed with the State Revenue Department to serve this County shall, upon written application, be issued a permit on an annual basis for operation as a wholesale dealer.
- (b) Unless changed by the County Commissioners, a retail license for the sale of malt beverages or wine for each year shall be in an amount as established by the County Commissioners from time to time. Said fee shall accompany the application and shall be either cash or bank certified check. Such licenses shall not be transferable from one person to another and shall not be transferable from one location to another except with the express approval of the County of Montgomery.
- (c) In addition to the above retail license fee, there is hereby assessed a local excise tax, based on sales, in the following amounts for malt beverages:

0.70	per	24/7	oz. container
0.80	per	24/8	oz. container
1.20	per	24/12	oz. container
1.40	per	24/14	oz. container
1.60	per	24/16	oz. container
1.60	per	12/32	oz. container

- (d) The excise tax on tap or draft shall be in the sum of \$6.00 for each container sold as hereinafter specified, containing not more than 15½ gallons and at a like rate for fractional parts, where the beverage is sold or is from a barrel or bulk container, such beverage commonly known as tap or draft beer.
- (e) There is imposed by the County an excise tax on the first sale or use of wine in the county at a rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (f) The assessment shall be paid and collected in the following manner:

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- (1) The local excise tax hereinbefore imposed shall be paid by the wholesale dealers to the County Commissioners by the tenth day of the month following the calendar month in which the beverages are sold or disposed of within the County by said wholesale dealer. Interest shall accrue on late payments at the rate of nine percent per annum.
 - (2) The wholesale dealers shall keep true and correct records of all sales and shipments, and shall render a sworn statement of the same accompanying the monthly report to the County Commissioners.

(Res. No. 21-11-02 , Exh. A, 11-8-2021)

Sec. 4-25. Hours of operation.

- (a) *Retail.* The hours of operation of retail licensees for the sale of malt beverages and wine shall be between the hours of 8:00 a.m. until 1:00 a.m. the following day, Monday through Friday, from 8:00 a.m. until 12:00 midnight on Saturday and on Sunday from 12:30 p.m. to 11:30 p.m.
- (b) *Distribution.* The hours of operation of wholesale licensees for the distribution of malt beverage and wine within the County shall be between the hours of 8:00 a.m. and 12:00 a.m., Monday through Saturday. There shall be no malt beverages or wine distributed within this County on Sundays or any other days prohibited by State law.

(Res. No. 21-11-02 , Exh. A, 11-8-2021)

Sec. 4-26. Authority to issue licenses.

All applications for such licenses shall be presented to the County Commissioners for approval, and if approved, the licenses shall be issued by the County upon compliance with all state permits and regulations and the payment of the required fee. An owner applying for a retail license for offsite consumption only may be reviewed and approved by the County Manager or the Chairman in the absence of the County Manager. The County Manager and Chairman's authority to approve such applications is limited to owners requesting retail licenses for offsite consumption only. The County Manager or Chairman shall provide notice to each County Commissioner and Sheriff by providing each with a copy of the application five days prior to approving a license for offsite consumption. Provided the application meets all requirements of local and state regulations, the County Manager or Chairman may approve the license. If the County Manager or Chairman denies an application, the owner may appeal the decision in writing to the Board of Commissioners within 30 days of the denial notification. The Board of Commissioners shall review the application and render a decision within 60 days of receiving the owner's notice to appeal. All other types of applications shall be reviewed and approved by the Board of Commissioners.

(Res. No. 21-11-02 , Exh. A, 11-8-2021)

Sec. 4-27. Rules and regulations.

All the provisions of this article are and shall be subject to the regulations hereinafter prescribed by ordinance of this body as the same may be from time to time amended, setting forth the rules, terms and conditions upon which such licenses may be issued; the annual license fees; the qualifications of licensees; the restrictions on the business locations of licensees; the hours of operation of such licensees; the control of customers doing business with licensees; and any and all other matters which this body may deem it advisable to set forth for the proper regulation of the sale and consumption of malt beverages and wine in this County; and all such licenses as may be hereafter issued shall be expressly subject to the provisions of such amendment or

amendments as may be then or thereafter in force; and all such licenses shall be nontransferable, except with express approval of the County Commissioners.

All licensees shall at all times comply with the laws of the State of Georgia and the rules and regulations promulgated from time to time regulating the sale of malt beverages and wine by the Commissioner of Revenue of the State of Georgia, and any violations of these regulations shall subject the licensee to revocation of his license. (Res. No. 21-11-02 , Exh. A, 11-8-2021)

Secs. 4-28—4-57. Reserved.

ARTICLE III. RESERVED³

Secs. 4-58—4-90. Reserved.

ARTICLE IV. REAPPLYING FOR REFUSED WINE AND MALT BEVERAGES APPLICATIONS

Sec. 4-91. Reapplication for permit.

No person making application for a retail or wholesale license for the sale of malt beverages or for the retail or wholesale sale of wine within Montgomery County shall reapply within six months of any previous application made by said person at the same location after any previous application has been refused by said County Officials. (Code 2003, ch. 2, art. III; Ord. of 10-1-1985)

³Editor's note(s)—Res. No. 21-11-02 , Exh. A, adopted Nov. 8, 2021, repealed art. III, §§ 4-58—4-66, which pertained to regulating the sale of wine, and derived from a motion adopted Jan. 3, 1978; an ordinance adopted Apr. 22, 1997; the Code of 2003, ch. 2, art. II, §§ I—IX; an ordinance adopted Oct. 5, 2004, art. II, § II; and Res. No. 20-12-01 , Exh. B, 12-14-2020).